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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**Declaration Of Geoffrey L. Berman In  
Support Of USACM Liquidating  
Trust's Motion To Further Extend  
Deadline To File Objection To  
Allowance Of Claims**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

Estimated Time for Hearing: 10 minutes

Geoffrey L. Berman declares under penalty of perjury:

1. I am an adult person competent to testify in court.
2. I make this declaration based upon my personal knowledge, and upon the records of USA Commercial Mortgage Company ("USCM").
3. I am the Trustee of the USACM Liquidating Trust ("USACM Trust"), which is an entity created by the Debtors' Third Amended Joint Chapter 11 Plan of Reorganization ("Plan"), in the jointly-administered bankruptcy cases, In re USA Commercial Mortgage Company, BK-S-06-10725-LBR, pending in the United States Bankruptcy Court for the District of Nevada.



1           4.       The USACM Trust seeks a short extension of the present deadline to object  
2 to claims from August 8, 2011 to October 7, 2011.

3           5.       Since the Court's February 9, 2011 Order, the Trust has filed objections to  
4 \$85,122,200 in Direct Lender claim with respect to 13 different USACM loans.<sup>1</sup> As of  
5 June 27, 2011, the unresolved unsecured claims total approximately \$166,043,989. The  
6 Trust is continuing to gather information about the remaining loans and is preparing to file  
7 omnibus objections to the remaining loans on a loan by loan basis, where appropriate,  
8 before August 8, 2011. A brief extension may be necessary, however, to deal with  
9 unexpected issues that may arise.

10          6.       For example, objections may be delayed if an objection is rejected by the  
11 Court or if the Trust mistakenly omits any portion of an objection or the exhibits thereto  
12 when providing notice. A brief extension of the deadline will allow the Trust to deal with  
13 these possibilities without prejudice to the estate's creditors.

14          7.       Additionally, as the Court has been advised through the objections that have  
15 been filed over the past few months, that the Trust has tried to obtain current information  
16 as to the status of the loans that have been the subject of the specific objections. Those  
17 efforts have been hampered by the foreclosure of Compass Financial Partners, the  
18 subsequent bankruptcy proceeding for Asset Resolution Corp. and now the transfer of the  
19 servicing rights to FLC, Cross, among others. The requested extension will provide the  
20 Trust with additional, though very limited opportunities to get more complete information  
21 on the loans with remaining claim objections, if necessary.

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25 \_\_\_\_\_  
26 <sup>1</sup> There are currently no unresolved administrative or priority claims, and all secured claims



1 I declare under penalty of perjury that the foregoing is true and correct.

2 Dated: June 28, 2011.

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4 /s/Geoffrey L. Berman  
5 Geoffrey L. Berman

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Proof of service

Copy of the foregoing posted on the  
USACM Liquidating Trust website and  
served on June 28, 2011 via email,  
where an email address is listed, or by  
first class mail, postage prepaid U.S.  
Mail, addressed to:

All parties in interest listed on the Post  
Effective Date Service List on file with  
the Court

s/Renee L. Creswell

Renee L. Creswell  
Lewis and Roca LLP